

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

**IN RE: PROTON-PUMP INHIBITOR  
PRODUCTS LIABILITY LITIGATION  
(NO. II)**

This Document Relates to: ALL ACTIONS

**2:17-md-2789 (CCC)(MF)  
(MDL 2789)**

**DECEMBER 19, 2018  
STATUS CONFERENCE  
JOINT STATUS REPORT AND  
PROPOSED AGENDA**

Pursuant to Case Management Order No. 29 (Dkt. No. 278), the parties hereby submit their Joint Status Report and Proposed Agenda in advance of the December 19, 2018 Status Conference.

**I. STATUS REPORT**

Since the last status conference, the parties have submitted and the Court has entered Case Management Orders No. 29 (on the November 5, 2018 Status Conference) and No. 30 (amending PSC). Pursuant to CMO No. 29, the parties have continued to confer on a proposed bellwether plan and various discovery issues. The parties are submitting letters to the Court on some of their outstanding disputes and will be prepared to discuss the status of all items listed below at the next conference.

At the time of this filing, approximately 2717 potentially related actions with 2748 plaintiffs are pending in MDL 2789, 1 potentially related federal court action with 1 plaintiff in E.D. Mo., before Magistrate Judge Nannette A. Baker, and 2 potentially related federal court actions with 2 plaintiffs in E.D. Mich., before Judge George Caram Steeh and Judge Thomas L. Ludington.

Currently, approximately 91 potentially related state court actions with 91 plaintiffs are pending in the Delaware Superior Court, New Castle County, before Judge Eric M. Davis.

Approximately 16,000 claimants, represented by various Plaintiffs' counsel, are currently tolled under the parties' Tolling Agreement, which expires on January 31, 2019.

## **II. PROPOSED AGENDA FOR DECEMBER 19, 2018 STATUS CONFERENCE**

The Parties have met and conferred and propose the following Agenda:

1. The parties' respective bellwether proposals;
2. Status of the Tolling Agreement;
  - a. Motions to Dismiss for Tolling Non-Compliance
3. Update on Discovery;
  - a. Plaintiffs' Requests for Depositions of Defense Witnesses under CMOs 17-20;
  - b. Status of Deposition Protocol
  - c. Production of Clinical Documents and Data;
    - i. Missing clinical study reports;
    - ii. SAS datasets;
    - iii. Case Report Forms;
  - d. The timing and scope of the production of AstraZeneca's Adverse Event database;
  - e. PSC's request for leave to file motion to compel discovery pursuant to PSC's letter to Defendants dated December 7, 2018 (relating to affirmative defenses)
  - f. Supplementation of custodial and non-custodial files
4. Plaintiff Fact Sheet-Related Issues
  - a. Defendants' pending PFS-related Motions to Dismiss
  - b. "Clean-Up" CMO regarding streamlined PFS-related procedures (no PFS, non-Substantially Complete, Stage 2 Cases)
5. Status of Motions to Withdraw

- a. *Alexander Raymond Laubscher v. AstraZeneca Pharmaceuticals LP, AstraZeneca LP, The Procter & Gamble Company, Procter & Gamble Manufacturing Company, Merck & Co., Inc.*, Case No. 2:18-cv-8064: The Court entered an Order on 7/25/18 providing Plaintiff until 10/23/18 to either hire new counsel or file a formal notice indicating his intent to proceed *pro se*. That deadline expired and the Defendants submitted a Proposed Order on 10/24/18, which has not yet been entered.
- b. *Shelley D. Krohn, Bankruptcy Trustee for the Estate of Neal A. Schnog v. AstraZeneca Pharmaceuticals LP, et al.*, Case No. 2:18-cv-8444 – Plaintiff's counsel filed a Motion to Withdraw on 10/18/18. Defendants filed a Partial Objection on 11/13/18 with standard Proposed Order. That motion is fully briefed and ripe for ruling.
- c. *Susan Bensavage v. AstraZeneca Pharmaceuticals LP, et al.*, Case No. 2:18-cv-06639 – Plaintiff's counsel filed a Motion to Withdraw on 11/12/18. Defendants filed a Partial Objection on 11/14/18 with standard Proposed Order. That motion is fully briefed and ripe for ruling.

### **III. TELEPHONIC MONITORING OF THE CASE MANAGEMENT CONFERENCE**

As instructed by the Court, counsel has arranged for a telephonic conference line so interested attorneys can monitor the proceedings. Dial-in information is as follows:

Dial In: (888) 808-6929

Access Code: 9945288#

Note that the status conference is scheduled to begin at 1 p.m. eastern.

Dated: December 14, 2018